

# EXHIBIT W

**Paul A. Woodard**

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**From:** Paul A. Woodard  
**Sent:** Monday, November 07, 2016 12:19 PM  
**To:** 'Ken Hiller'  
**Cc:** 'sandrews@kennethhiller.com'; 'Tim Hiller'  
**Subject:** RE: Wagner v. Illecki

Ken,

Thank you for speaking with me just now. Please allow this to confirm our agreement to adjourn Mr. Andrews' deposition so that we can explore the possibility of avoiding the need for his deposition by relying on requests for admission and a stipulation instead. As discussed, we should be able to send you a proposed stipulation and requests for admission later this week.

Best regards,

Paul

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Paul A. Woodard  
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**From:** Paul A. Woodard  
**Sent:** Sunday, November 06, 2016 11:06 PM  
**To:** 'Ken Hiller'  
**Cc:** sandrews@kennethhiller.com; 'Tim Hiller'  
**Subject:** RE: Wagner v. Illecki

Ken,

I have an appearance in federal court tomorrow morning, and, thus, I most likely won't be able to give you a definite answer by 10:00. I will follow up with you as soon as possible tomorrow.

Regards,

Paul

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**From:** Ken Hiller [<mailto:khiller@kennethhiller.com>]

**Sent:** Sunday, November 06, 2016 5:01 PM

**To:** Paul A. Woodard

**Cc:** [sandrews@kennethhiller.com](mailto:sandrews@kennethhiller.com); 'Tim Hiller'

**Subject:** RE: Wagner v. Ilecki

Paul:

I think the question of whether you will withdraw the deposition notice upon a stipulation that Seth will not be called as a witness is not complex. By adjourning the motion as you have requested, we would be, in effect, waiving our claim that the deposition notice was not timely served under the local rules. In addition, we would be opening the door to whatever additional discovery plans you might have. I will be filing the motion tomorrow unless we can reach a stipulation before 10:00 a.m. tomorrow.

Let this confirm that we will not be producing Mr. Andrews for the deposition given the fact that we will either be stipulating that he will not be deposed or called as a witness, or we will be filing a motion for a protective order.

Thank you.

Kenneth Hiller  
Law Offices of Kenneth Hiller PLLC  
6000 North Bailey Avenue, Ste. 1A  
Amherst, NY 14226  
716-564-3288

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**From:** Paul A. Woodard [<mailto:paw@connorsllp.com>]

**Sent:** Sunday, November 06, 2016 3:51 PM

**To:** 'Ken Hiller' <[khiller@kennethhiller.com](mailto:khiller@kennethhiller.com)>

**Cc:** [sandrews@kennethhiller.com](mailto:sandrews@kennethhiller.com); 'Tim Hiller' <[thiller@kennethhiller.com](mailto:thiller@kennethhiller.com)>

**Subject:** RE: Wagner v. Ilecki

Ken,

Further to our discussion on Thursday, we agree to limit Seth Andrews' deposition to the topic of his communications with Chiari & Ilecki prior to the commencement of this action, concerning the matters at issue in this action (provided that you agree not to call Mr. Andrews as a witness at trial on any other topics).

We still are considering your proposal regarding entering into a stipulation in lieu of deposing Mr. Andrews. Therefore, I propose that we agree to (1) adjourn Mr. Andrews' deposition and (2) jointly ask the Court to extend the current discovery deadline by 45 days. That should give us ample time to explore alternatives to taking Mr. Andrews' deposition and hopefully avoid the need for motion practice altogether.

Please let me know whether you agree. If so, I will submit a letter request for an extension to the Court.

Thanks,

Paul

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**From:** Ken Hiller [<mailto:khiller@kennethhiller.com>]

**Sent:** Friday, November 04, 2016 5:17 PM

**To:** Paul A. Woodard

**Cc:** [sandrews@kennethhiller.com](mailto:sandrews@kennethhiller.com); 'Tim Hiller'

**Subject:** Wagner v. Ilecki

Paul:

I did not hear from you today, and the deposition was noticed for November 8. I would like to receive written confirmation that either 1) you agree to limit the deposition to questions of Mr. Andrews to the conversation he had with Mr. Ilecki's office, or 2) that you will withdraw the deposition notice based upon our stipulation that Mr. Andrews will not be called as a witness at trial.

If you are not agreeable to number 2 above, I will be filing a Motion for a Protective Order on Monday.

Kenneth Hiller  
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